

REMARKS

Claims 1-29 and 43-51 were cancelled. Claims 30-41 and 52-65 are pending. Claims 30-42, 52-54, 56, 59-61 and 63 are rejected. Claims 55, 57, 58, 62, 64 and 65 are objected to.

Claims 30, 36, 52, and 57 are currently amended. Claims 66 and 67 are newly submitted.

In a telephonic interview on December 21, 2006, the examiner and the applicant's agent discussed distinctions between claims and the cited art. In particular, there was a discussion regarding claim 52 with respect to Young (WO 91/11062). The applicant's agent agreed to amend claim 52 to more clearly distinguish over Young. The applicant's agent has also amended several other pending claims to better distinguish over the art.

Claims 30-35 Rejected under 35 U.S.C. §102(b) over Kaneko (US 6,389,271)

Claim 30 is currently amended in a manner having a degree of correspondence to the telephonic discussion between the examiner and applicant's agent on 12/21/2006. Specifically, the applicant's agent has expanded the recited limitation of the "active frequency detection module" to clarify its distinction over the cited art.

The examiner has not shown Kaneko to disclose or reasonably suggest "an active frequency detection module operably connected to said controller, said active frequency detection module including a radio transmitter operable to emit an audio tone on a frequency and a microphone operable to receive an audio signal from an external broadcast receiver," as recited by amended claim 30.

Claim 30 is allowable over the art for at least this reason. Claims 31-35 depend from claim 30 and are also allowable for at least the reasons given for claim 30.

Claims 36-38 and 40-42 Rejected under 35 U.S.C. §103(a) over Young et al. (WO 91/11062) in view of Kaneko

Claim 36 is currently amended. The examiner has not shown Young or Kaneko, alone or in combination, to disclose or reasonably suggest “an active frequency detection module operably connected to said controller, wherein said active frequency detection module comprises a transmitter for transmitting a radio signal over a carrier frequency to the receiver; and, means for receiving an audio signal from the receiver and detecting whether the receiver output corresponds to said radio signal,” as recited by amended claim 36.

Claim 36 is allowable for at least this reason. Claims 37-38, 40-42 depend from claim 36 and are also allowable for at least the reason given for claim 36.

Claim 39 Rejected under 35 U.S.C. §103(a) over Young in view of Kaneko and further in view of Leveque (US 5,058,202)

Claim 39 depends from claim 36 and is allowable for at least the reasons given for claim 36.

Claims 52-54, 56, 59-61, and 63 Rejected under 35. U.S.C. § 102(b) over [Young]

In the office action dated 9/26/2006, the heading of the 35 U.S.C. 102(b) item 4 rejections refers to Kaneko (US 6,389,271); however the comments are all directed to rejection over Young (WO 91/11062). The applicant believes the heading to be in error and will make remarks with respect to Young. The applicant also believes claim 52 distinguishes over Kaneko.

Claim 52 is currently amended in a manner corresponding to that discussed in the telephonic interview on 12/21/2006. The examiner has not shown Young to disclose or reasonably suggest “emitting from a housing a first radio signal carrying a first audio signal on a first frequency [and] receiving an audio signal from a broadcast receiver external to the housing,” as recited by amended claim 52. Specifically, the Young apparatus has not been shown to include an internal radio transmitter. Indeed, at cited page 10, lines 22-23, Young points out “The unit is self-contained [and] completely passive...,” further clarifying the distinction.

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Claim 52 is therefore allowable over the cited art for at least this reason. Claims 53-54, 56 and 66-67 depend from claim 52 and are also allowable for at least the reasons given for claim 52.

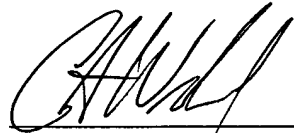
With respect to claim 59, the examiner has not shown Young to disclose or reasonably suggest "receiving a manual activation signal" as recited by claim 59. In the portion of Young cited by the examiner, Young discloses approaches to automatically activating his system. The applicant finds no mention regarding the listener manually activating a device to determine a broadcast receiver selected frequency. Claim 59 is allowable over the cited art for at least this reason. Claims 60, 61, and 63 depend from claim 59 and are also allowable for at least the reasons given for claim 59.

Claims 55, 57, 58, 62, 64, and 65 objected to as being dependent upon a rejected base claim.

The applicant thanks the examiner for his indication of allowability of claims 55, 57, 58, 62, 64, and 65. The applicant believes the rejected base claims have been shown to be allowable and believes this response has cured the objection.

The Commissioner is authorized to charge any fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 50-0284.

Respectfully submitted,
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